

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. ) Cause No. 2:16-cr-0005-JMS-CMM  
 )  
 RICHARD TURNER, )  
 )  
 Defendant. )

On August 3, 2018, the Court held an initial hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on July 26, 2018. Defendant Richard Turner (“Defendant”) appeared in person with FCD counsel, Michael Donahoe. The government appeared by Todd Shellenbarger and Frank Dahl, Assistant United States Attorneys. U. S. Parole and Probation appeared by Officer Jennifer Considine.

1. The Court advised Defendant of his rights and provided him with a copy of the petition. Defendant orally waived his right to a preliminary hearing.

[Docket No. 7.]

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation  
Number**

**Nature of Noncompliance**

- 2 "The defendant shall refrain from the unlawful use of a controlled substance"

On July 11, 2018, Mr. Turner admitted to the use of marijuana on a few occasions within the past month. On this same date, Mr. Turner submitted a drug test that returned positive for cannabinoids.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant's criminal history category is VI.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 21 to 27 months imprisonment.

5. Parties jointly recommended that defendant be incarcerated for eight months with no supervised release to follow. The Government will not pursue further penalties with regard to Violation No. 1 in the Petition.

6. The Magistrate Judge, having considered the factors in 18 U.S.C. §3553(a), and as more fully set forth on the record, finds that:

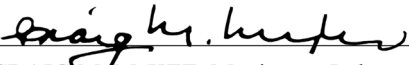
- (a) The Defendant violated the conditions in the petition;
- (b) That the agreement of the parties is an appropriate resolution of this matter and the agreement is commended to the favorable consideration of the District Judge;
- (c) That, consistent with the agreement, the Magistrate Judge recommends that the defendant's supervised release be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of eight months with no supervised release to follow. The Defendant is to be taken

into custody immediately pending the District Judge's action on this Report and Recommendation. The Court will make a recommendation of placement at a facility close to Terre Haute, Indiana.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge.

The parties have 14 days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: August 3, 2018

  
CRAIG M. McKEE, Magistrate Judge  
United States District Court  
Southern District of Indiana

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